

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARK GRABER,	:	CIVIL ACTION
Petitioner,	:	
	:	
v.	:	
	:	
LAUREL HARRY, et al.,	:	
Respondents.	:	No. 13-3369

ORDER

LEGROME D. DAVIS, J.

AND NOW, this 30th day of July, 2013, upon careful and independent consideration of the petition for a writ of habeas corpus, and after review of the Report and Recommendation of United States Magistrate Judge Timothy R. Rice, IT IS ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. Respondent's Petition to Stay Federal Habeas Proceedings (doc. 4) is GRANTED. This court's previous order (doc. 3) is VACATED to the extent it required a further response from the Commonwealth.
3. Petitioner's petition for a writ of habeas corpus is STAYED and held in ABEYANCE until the conclusion of Petitioner's state court proceedings.
4. Petitioner shall return to federal court within thirty days following the conclusion of his state court proceedings. If Petitioner does not return to federal court within that time, this stay and abeyance order will be vacated and his petition will be denied without prejudice.
5. There is no probable cause to issue a certificate of appealability.

BY THE COURT:

/s/ Legrome D. Davis

LEGROME D. DAVIS
U.S. DISTRICT COURT JUDGE

ENTERED
JUL 30 2013
CLERK OF COURT